

**WAUKESHA COUNTY  
MINUTES OF THE PARK AND PLANNING COMMISSION  
THURSDAY, FEBRUARY 23, 1:00 P.M.**

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**CALL TO ORDER**

Pat Haukohl, Secretary, called the meeting to order at 1:00 p.m.

Commission

Members Present:	Robert Hamilton	Walter Baade	Pat Haukohl
	Betty Willert	Gary Goodchild	Walter Kolb

Commission

Members Absent:	Mareth Kipp	Ellen Gennrich
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Staff

Members Present:	Richard L. Mace, Planning and Zoning Manager
	Elfriede Sprague, Clerk III
	James Kavemeier, Parks System Manager

Guests Present:	Tim Styza	Brian Turk	John Siepmann
	Brian Pionke	Jeffrey Short	Michael Morack

**CORRESPONDENCE:** None.

**MEETING APPROVAL:** None.

**MINUTES:**

- *Mrs. Willert moved, seconded by Mr. Baade, and carried unanimously, for approval of the February 2, 2006, Minutes.*

**PUBLIC COMMENT**

Secretary Haukohl asked if anyone from the audience wished to address the Commission? There being no one, she moved to the next item on the agenda.

- **CZ-1601 (Harmony Homes) Town of Vernon, Section 3**

Mr. Mace presented the "Staff Report and Recommendation" dated February 23, 2006, and made a part of these Minutes. He pointed out the location of the property at S63 W24375 Townline Rd. in the Town of Vernon, on the aerial photograph and indicated the petitioner is requesting a rezone from the R-1a Residential, RRD-5 Rural Density Residential District 5 and A-5 Mini-Farm Districts to the R-1 Residential District.

Mrs. Willert excused herself due to a conflict of interest. Mr. Goodchild questioned whether the dedication of Outlot 4 to the Town for a park was to be recreational? Brian Turk responded the Town has not yet determined what type of facilities are to be on the outlot, there could possibly be a soccer field or baseball diamond. The ground conditions on the outlot are such that no shelters or concessions stands can be erected; therefore they have not determined if a parking lot or any stormwater management is needed. In the event something is put in, the Town will do its own stormwater management. Mr. Goodchild asked why Maple Vista Drive intersects Town Line Road further west

than the existing intersection to the north? Mr. Turk replied the area is undevelopable across from the intersecting street, so putting in several hundred feet of extra road was not economical. Mrs. Haukohl commented the proposal appears to be spot zoning. Mr. Mace replied there are developments to the west and north and possibly to the south in the future, however much of that area contains poor soils and felt this was not spot zoning. Mr. Turk added the Town of Vernon and the Village of Big Bend's Land Use Plans designate the area to be developing at 1 acre lot sizes with a 3 acre overall density. Mr. Goodchild asked what was to prevent the Town from selling Outlot 4 in the future? Mr. Mace responded it is addressed in Condition No. 9 of the Staff Recommendation. Mr. Hamilton asked who would be taking responsibility for the maintenance of the drain tile system? Mr. Turk replied the Town has an Ordinance addressing drain tile maintenance and Waukesha County Land Resources Division would have priority over the stormwater review. Mr. Hamilton suggested adding a condition saying, "A plan for the perpetual care and maintenance of the drain tile system acceptable to the County shall be prepared and recorded". Mr. Mace replied the system was for individual homes, not agricultural tiles. Tim Styza identified the five lots that were affected by the drain tile system for the Commission. Mr. Turk added the developer has agreed to a Master Grading Plan, which the Town will be strictly enforcing, that will address the groundwater issues. The soils in the proposal do not infiltrate well, so the discharge will flow to Outlot 3 and in the case of a 100 year storm event, the pond outfall will discharge into the park and from there sheet flow to the east into the existing drainage ditch. He pointed out where the discharge from most of the lots would go to and explained there should be no cross drainage onto adjacent lots.

*After discussion Mr. Baade moved, seconded by Mr. Goodchild and carried unanimously for approval, (Mrs. Willert did not vote due to a conflict of interest) as conditioned, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

- **ZT-1579A (Text Amendment) Town of Summit**

Mr. Mace presented the "Staff Report and Recommendation" dated February 23, 2006, and made a part of these Minutes. He indicated the request is for an amendment to the Town of Summit Zoning Ordinance regarding the regulation of Hobby Kennels for dogs and other confined hobby animals such as llamas, goats, elks, etc.

*After discussion Mr. Hamilton moved, seconded by Mrs. Willert and carried unanimously for approval, in accordance with the "Staff Report and Recommendation.*

- **ZT-1606 (Text Amendment) Town of Delafield**

Mr. Mace presented the "Staff Report and Recommendation" dated February 23, 2006, and made a part of these Minutes. He indicated the request is for an amendment to Section 17.05 5.AO of the Town of Delafield Zoning Code regarding riding academies and commercial stables.

Mr. Mace explained the amendment is to change 2.a.(1) of Section 17.05 5.AO from "closer than 75 ft." to "100 ft.". It only changes the setback requirements in a district permitting residential uses.

*After discussion Mrs. Willert moved, seconded by Mr. Baade and carried unanimously for approval, in accordance with the "Staff Report and Recommendation".*

- **SZT-1501A (Syed Hussain) Town of Delafield, Section 15**

Mr. Mace presented the “Staff Report and Recommendation” dated February 23, 2006, and made a part of these Minutes. He pointed out the location of the property in part of the SE ¼ of Section 15, north of Maple Avenue in the Town of Delafield, on the aerial photograph and indicated the petitioner is requesting a rezone from the A-2 Rural Home District (Town and County) to the R-2 Residential District (Town and County) with a PLO Pewaukee Lake Non Shoreland Redevelopment Overlay District (Town).

Mr. Mace explained the petitioner’s request has been denied at the Town level, however it still needs to go through due process with the County. At the Town hearing, Mr. Hussain’s representative told of his plans to grade the Environmental Corridor and explained he was in the process of possibly acquiring an additional parcel to enlarge the project, which may qualify to add a few more dwelling units. In light of the changes, which would also require a new hearing, the Town did not feel it was appropriate to approve the request and neither does the Staff.

*After discussion Mrs. Willert moved, seconded by Mr. Goodchild and carried unanimously for denial, in accordance with the “Staff Report and Recommendation”.*

- **SCU-1354A (Syed Hussain) Town of Delafield, Section 15**

Mr. Mace presented the “Staff Report and Recommendation” dated February 23, 2006, and made a part of these Minutes. He indicated the petitioner is requesting Conditional Use approval for a condominium Planned Unit Development containing five, two-family structures and two, single-family structures. The request is related to SZT-1501A.

Mr. Mace explained this request was moot as the Town has denied the Conditional Use Permit. The proposal as presented is inappropriate, especially in light of the excessive grading of the Primary Environmental Corridor.

*After discussion Mr. Hamilton moved, seconded by Mr. Baade and carried unanimously for denial, in accordance with the “Staff Report and Recommendation”.*

- **SCU-1417 (Siepmann Development Co. - Kiekhefer Trust) Town of Waukesha, Section 23**

Mr. Mace presented the “Staff Report and Recommendation” dated February 23, 2006, and made a part of these Minutes. He pointed out the location of the property on the west side of Milky Way Rd., approximately ¾ mile south of its intersection with Sunset Drive and S.T.H. 59, in the Town of Waukesha on the aerial photograph and indicated the petitioner is requesting Conditional Use approval for fill to accommodate road construction and a Planned Unit Development.

Mrs. Haukohl asked if it was appropriate to vote on the Conditional Use request, as the rezoning request for Siepmann has not yet been before the County Board? Mr. Mace replied that any approval could be conditioned upon the rezone approval. She then asked why is the petitioner requesting a reduction in lot width and size? Mr. Mace answered that allowing a lot size reduction in the PUD would ultimately create fewer disturbances in the Environmental Corridor by possibly reducing the house size and thereby ultimately creating more open space. Mr. Siepmann described the difficulties involved with designing the development and commented he has worked closely with the Town to create the current proposal, which they endorse. Restrictions will be placed on the Final Plat to limit disturbance of the EC on the lots, which are primarily successional woods.

Michael Morack addressed the Commission and stated his concerns regarding the development. He submitted a letter from the DNR identifying a fen on his land (on file). He wants to make sure the County is aware of the fen, which is very close to the edge of the development, and a cold-water stream. He would like to see special consideration for these areas placed on the PUD and also conditions to ensure that no storm water runoff contaminates either environmentally sensitive area. Mr. Siepmann commented the stormwater is not directed into that area and also DNR regulations NR151 state that you can't discharge any more surface water than what is currently leaving the property. Mr. Hamilton noted that Condition No. 9 of the Staff Recommendation stated, "The development must comply with the Waukesha County Stormwater Management and Erosion Control Ordinance". Mrs. Haukohl asked if adding a condition for special consideration being given to that area be agreeable to all parties? Mr. Siepmann replied he felt adding the condition was redundant, as the DNR and the Stormwater Management Ordinance would protect the fen and stream, however he had no objection to the additional condition. Mr. Morack felt the addition was acceptable. His main concern was to make sure the County and the developer are aware of the areas and take appropriate measures to safe guard them.

*After discussion Mrs. Willert moved, seconded by Mr. Baade and carried unanimously for approval, as conditioned, in accordance with the "Staff Report and Recommendation" with an addition to Condition No. 9 to now read:*

- 9. The development must comply with the Waukesha County Stormwater Management and Erosion Control Ordinance with special consideration being given to any identified sensitive environmental issues.*

*The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances*

• **CU-672T (William and Laverne Brooks/Proven Power) Town of Oconomowoc, Section 22**

Mr. Mace presented the "Staff Report and Recommendation" dated February 23, 2006, and made a part of these Minutes. He pointed out the location of the property in part of the NE ¼ of Section 22 at N68 W36048 C.T.H. "K" in the Town of Oconomowoc on the aerial photograph and indicated the petitioner is requesting termination of the existing Conditional Use for the retail sales and service of outdoor home and garden power equipment and recreational vehicles i.e., all terrain vehicles, personal watercraft and a gas bulk storage and handling station.

Mr. Mace explained the property has been rezoned to the B-3 General Business District, therefore no longer requiring a Conditional Use Permit.

*After discussion Mr. Baade moved, seconded by Mr. Goodchild and carried unanimously for approval, in accordance with the "Staff Report and Recommendation". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

• **(Milwaukee Rugby Football Club)**

Request: Waiver of park policy.

Mr. Kavemeier explained the Milwaukee Rugby Football Club is holding a tournament in Nagawaukee Park, Picnic Areas No. 1 and No. 2, on April 29, 2006. They are requesting waivers from park policy for the selling of food, refreshments, beer, rugby clothing and equipment by a licensed vendor and the consumption of beer on the grounds. Typically when picnic areas are reserved, the consumption of beer

is allowed within the picnic area, it is automatic with the permit. He is recommending all waivers except the selling of beer. Selling of beer has not been allowed in the parks and they do not wish to start a precedent. Mr. Goodchild asked if there would be a special deposit required in case there is damage to the grass and grounds? Mr. Kavemeier replied, "No", there have been tournaments in the past and there has never been any damage to the areas. There is no special grooming involved. The normal park entrance fee for participants and observers will be enforced.

*After discussion Mr. Baade moved, seconded by Mr. Goodchild and carried unanimously for approval, in accordance with the recommendation of Mr. Kavemeier to waive the park policy to allow the sale of food, concessions, rugby clothing and equipment by a licensed vendor and to deny the request for the sale of beer.*

• **SCS-982 (Jeffrey and Catherine Short) Town of Oconomowoc, Section 36**

Mr. Mace presented the "Staff Memorandum" dated February 23, 2006, and made a part of these Minutes. He pointed out the location of the property at N52 W34412 Peterson Dr. in the Town of Oconomowoc, on the aerial photograph and indicated the petitioner is requesting a road right-of-way width waiver for the unimproved portion of Peterson Dr., located between Lots 17 and 18 of Tearney Subdivision on a proposed Certified Survey Map.

Mr. Short told the Commission he is proposing to combine 3 lots into one on a Certified Survey Map. When he bought the lots, he was told the road was a private right-of-way to the lake, however it is an unimproved platted public road right-of-way leading from Peterson Drive to Okauchee Lake. On July 11, 2002, the Park and Planning Commission granted a waiver from the required road right-of-way width from 66 ft. to 30 ft. on Peterson Road and now he would like to further reduce the width to 20 ft. for the right of way to the lake. He maintains the right of way as part of his lawn and it has never been improved, nor does there appear to be a need for such improvement. Mrs. Willert asked who pays the taxes on the strip? Mr. Short replied, "No one, it is owned by the Town". Some of the neighbors do have deeded access, however it is not used as they have their own frontage on Okauchee Lake. Peterson Road is a dead end road and is not in use by the public. The Commission felt 20 ft. is an adequate width for lake access with a condition placed on the Certified Survey Map referencing the reduction.

*After discussion Mr. Hamilton moved, seconded by Mrs. Willert and carried unanimously for approval, in accordance with the "Staff Memorandum". The approval of this request, will allow the petitioners a reasonable use of their land and meets the intent and purposes of all County Ordinances.*

**ADJOURNMENT**

*With no further business to come before the Commission, Mrs. Willert moved, seconded by Mr. Goodchild to adjourn at 2:37 p.m.*

Respectfully submitted,

Pat Haukohl  
SecretaryPH:es